

## LISTING OF THE CLAIMS

Please amend the claims as shown below. Claims 8, 16, 20 and 27 are amended herein. This listing of claims will replace all prior versions and listings of claims in the Application.

1-7. (Cancelled)

8. (Currently Amended) A semiconductor structure comprising:

a pad area;

an electrostatic discharge protective device disposed directly below said pad area, said electrostatic discharge protective device comprising a transistor and a resistance, wherein said pad area comprises:

a substrate;

a first layer of metal disposed above said substrate wherein said electrostatic discharge protective device is disposed below said first layer of metal; and

a second layer of metal disposed above said first layer of metal;

a layer of dielectric disposed between said first metal layer and said second metal layer; and

a via disposed within said dielectric layer wherein said via electrically couples said first and said second metal layer, wherein said via comprises a plurality of individual vias, wherein said resistance comprises a portion of said plurality of individual vias, wherein said individual vias comprising said portion are arranged electrically in parallel one to another and wherein a resistive value of said resistance is ~~configurable~~ configured during a process for fabricating said semiconductor structure, wherein said resistive value of said resistance is fixed therein with setting a particular number for said portion of said plurality of individual vias in parallel and wherein said

setting tunes said electrostatic discharge protective device for performing an electrostatic discharge protective function.

9. (Previously Presented) The semiconductor structure as recited in Claim 8 further comprising a subsequent layer of metal between said first and said second metal layers.

10-15. (Cancelled)

16. (Currently Amended) A pad area apparatus for a semiconductor structure comprising:

a substrate;

a first layer of metal disposed above said substrate;

a second layer of metal disposed over said first layer of metal;

an electrostatic discharge protective device wherein said electrostatic discharge protective device is disposed within said substrate directly below said pad area and wherein said electrostatic discharge protective device comprises a transistor and a resistance;

a layer of dielectric disposed between said first metal layer and said second metal layer; and

a via disposed within said dielectric layer wherein said via electrically couples said first and said second metal layer, wherein said via comprises a plurality of individual vias, wherein said resistance comprises a portion of said plurality of individual vias, wherein said individual vias comprising said portion are arranged electrically in parallel one to another and wherein a resistive value of said resistance is ~~configurable~~ configured during a process for fabricating said semiconductor structure, wherein said resistive value of said resistance is fixed therein with setting a particular

number for said portion of said plurality of individual vias in parallel and wherein said setting tunes said electrostatic discharge protective device for performing an electrostatic discharge protective function.

17-19. (Cancelled)

20. (Currently Amended) An electrostatic discharge protective device for a semiconductor structure comprising:

a resistance; and

a transistor disposed within a substrate directly below a pad area of said semiconductor structure, wherein said resistance comprises a plurality of vias of said semiconductor structure, wherein said vias are arranged electrically in parallel, one to another, and wherein a resistive value of said resistance is ~~configurable~~ configured during a process for fabricating said semiconductor structure wherein said resistive value of said resistance is fixed with setting a particular number for said portion of said plurality of individual vias in parallel and wherein said setting tunes said electrostatic discharge protective device for performing an electrostatic discharge protective function.

21. (Previously Presented) The electrostatic discharge protective device as recited in Claim 20 wherein said resistive value of said resistance is fixed with forming said individual vias comprising said portion of said plurality of individual vias with a particular cross sectional area.

22. (Previously Presented) The electrostatic discharge protective device as recited in Claim 20 wherein said resistive value of said resistance is fixed with

forming said individual vias comprising said portion of said plurality of individual vias with a particular length.

23. (Previously Presented) The pad area apparatus as recited in Claim 16 wherein said resistive value of said resistance is fixed with forming said individual vias comprising said portion of said plurality of individual vias with a particular cross sectional area.

24. (Previously Presented) The pad area apparatus as recited in Claim 16 wherein said resistive value of said resistance is fixed with forming said individual vias comprising said portion of said plurality of individual vias with a particular length.

25. (Previously Presented) The semiconductor structure as recited in Claim 8 wherein said resistive value of said resistance is fixed with forming said individual vias comprising said portion of said plurality of individual vias with a particular cross sectional area.

26. (Previously Presented) The semiconductor structure as recited in Claim 8 wherein said resistive value of said resistance is fixed with forming said individual vias comprising said portion of said plurality of individual vias with a particular length.

27. (Currently Amended) A method of fabricating an semiconductor structure, comprising:

disposing a pad area upon a substrate;

disposing an electrostatic discharge protective device directly below said pad area, said electrostatic discharge protective device comprising a transistor and a resistance, wherein said pad area comprises:

a first layer of metal disposed above said substrate wherein said electrostatic discharge protective device is disposed below said first layer of metal; and

a second layer of metal disposed above said first layer of metal; disposing a layer of dielectric between said first metal layer and said second metal layer; and

disposing a via within said dielectric layer wherein said via electrically couples said first and said second metal layer, wherein said via comprises a plurality of individual vias ~~and~~ wherein said resistance comprises a portion of said plurality of individual vias, wherein said individual vias comprising said portion are arranged electrically in parallel one to another ~~[[and]]~~ wherein said disposing a via comprises actively configuring a resistive value of said resistance, wherein said resistive value of said resistance is fixed therein with setting a particular number for said portion of said plurality of individual vias in parallel and wherein said setting tunes said electrostatic discharge protective device for performing an electrostatic discharge protective function.

28. (Cancelled)

29. (Previously Presented) The method as recited in Claim 27 wherein said resistive value of said resistance is further fixed with forming said individual vias comprising said portion of said plurality of individual vias with a particular cross sectional area.

30. (Previously Presented) The method as recited in Claim 27 wherein said resistive value of said resistance is further fixed with forming said individual vias comprising said portion of said plurality of individual vias with a particular length.